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MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CONTROL 2015

	SENTENCE BY A PERSON IN FEDER	RAL CUSTODY CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF MASSHINGTON AT TACOMA
Unite	ed States District Court District WEST	ERN WASH INCTON DEPUTY
Name	(under which you were convicted): DONATO VALLE VEGA	Docket or Case No.: CR10-5629-RLB
Place o	of Confinement: F.C.I. Big Spring, Texas	Prisoner No.: C15-5729 RBL
UNITI		Novant (include name under which convicted) VALLE VEGA
	MOTION	
1.	(a) Name and location of court which entered the judgment of c	onviction you are challenging:
	UNITED STATES DISTRICT COURT FOR THE WI	ESTERN DISTRICT OF WASHINGTON, Washington 98402-3234
	(b) Criminal docket or case number (if you know): CR10-56	529-RLB
2.	(a) Date of the judgment of conviction (if you know):	5/2012
	(b) Date of sentencing: <u>03/01/2013</u>	
3.	Length of sentence: 180 months	
4.	Nature of crime (all counts): Count 1. Possession	of Cocaine with intent
	to Distribute. Title 21. Section 2.;	Count 2. Possession with
	intent to Distribute Methamphetamine,	Title 21, USC 812, and
	"itle 21 USC §§ 841(a)(1), 841 (b)(1)(A), and Title 18 USC § 2.
5.	(a) What was your plea? (Check one)	
,	(1) Not guilty 🖸 (2) Guilty 🗆	(3) Nolo contendere (no contest)
	(b) If you entered a guilty plea to one count or indictment, and	a not guilty plea to another count or

6. If you went to trial, what kind of trial did you have? (Check one)

Jury 🔀 Jury

what did you plead guilty to and what did you plead not guilty to?

Judge only 🗌

•	7.	Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☒ No ☐
1.52	8.	Did you appeal from the judgment of conviction? Yes ☑ No □
	9.	If you did appeal, answer the following: (a) Name of court: UNITED STATES COURT OF APPEALS/NINTH CIRCUIT
		(b) Docket or case number (if you know):
		(c) Result: AFFIRMED
		(d) Date of result (if you know): 3 November, 2014
		(e) Citation to the case (if you know): 585 Fed Appx 618: 2014 U.S. L'EXIS 20960
,		(f) Grounds raised: Denial of Motion to Suppress Evidence; Denial of
		request for additional preemptory challenge; denial of request
		for duress jury instruction; and failure to adequately explain
		the sentence.
		(g) Did you file a petition for certiorari in the United States Supreme Court? Yes \(\sigma\) No \(\sigma\)
	•	If "Yes," answer the following:
		(1) Docket or case number (if you know):
		(2) Result:
•		(3) Date of result (if you know):
		(4) Citation to the case (if you know):
		(5) Grounds raised:
•		
	10.	Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?
		Yes □ No 🕱
	11.	If your answer to Question 10 was "Yes," give the following information: (a) (1) Name of court:
		(2) Docket or case number (if you know):
		(3) Date of filing (if you know):

	(4)	Nature of the proceeding:
	(5)	Grounds raised:
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•		
•		
•		
•		
•	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?
		Yes □ No □
	(7)	Result:
	(8)	Date of result (if you know):
(b)	If yo	ou filed any second motion, petition, or application, give the same information:
	(1)	Name of court:
	(2)	Docket of case number (if you know):
	(3)	Date of filing (if you know):
	(4)	Nature of the proceeding:
	(5)	Grounds raised:
		
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?
	` ,	Yes □ No □
	(7)	Result:
	(8)	Date of result (if you know):
(c)	Did	you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition,
		cation?
	(1)	First petition: Yes \(\square\) No \(\square\)
	(2)	Second petition: Yes □ No □
(d)		ou did not appeal from the action on any motion, petition, or application, explain briefly why you did not:
(4)	~ <i>y</i>	An are the transfer of the tra

Yes []

12.	law	this motion, state every ground on which you claim that you are being held in violation of the Constitution, s, or treaties of the United States. Attach additional pages if you have more than four grounds. State the <u>facts</u> porting each ground.
GRO	UND	ONE: Conflict of Interest
	(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): The trial counsel was ineffective in the case because the
		relationship between the client and attorney is in conflict
		and is broken. The breakdown of the relationship was as a
		result of irreconcilable differences. See Memorandum.
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	(b)	Direct Appeal of Ground One:
	` ,	(1) If you appealed from the judgment of conviction, did you raise this issue?
		Yes □ No 🔀
		(2) If you did not raise this issue in your direct appeal, explain why:ineffective assistance of
		counsel claims are not ripe for direct appeal and only appealable
		thru a §2255 Motion
	(c)	Post-Conviction Proceedings:
		(1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No No No No No No No N
		(2) If you answer to Question (c)(1) is "Yes," state:
		Type of motion or petition:
		Name and location of the court where the motion or petition was filed:
		Docket or case number (if you know):
		Date of the court's decision:
		Result (attach a copy of the court's opinion or order, if available):
		(3) Did you receive a hearing on your motion, petition, or application?
		(3) Did you receive a hearing on your motion, petition, or application? Yes ↑ No □

	Yes \(\Bar{A}\)
	Yes ☐ No 🗹 (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	and the first committee of the contraction of the c
	Yes No O Action (NA) is "Was " estated
	(6) If your answer to Question (c)(4) is "Yes," state:
	Name and location of the court where the appeal was filed:
	Dealest are associated (if you know):
	Docket or case number (if you know):
	Date of the court's decision: Result (attach a copy of the court's opinion or order, if available):
•	Result (attach a copy of the court's opinion of order, if available).
	(2) (2) (2) (3) (4) (4) (5) is "No" explain why you did not appeal or raise
*,	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
	issue:
*	
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OU	ND TWO: Agreement of Informant
	The second of the second state of the support your claim);
(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
_	The trial counsel was ineffective because he failed to request
_	the agreement of informant of the defendant during the discovery
	phase of the trial and before he filed a motion to supress
	evidence at the hearing on August 30, 2012. See Memorandum.
_	
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_	
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_	
(b) Direct Appeal of Ground Two:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes 🗆 No 🗷

	counsel claims are not ripe for direct appeal and are only appealable
	thru a §2255 motion.
(0) Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes 🗆 No 🗷
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes □ No □
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes □ No □
•	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □
	(6) If your answer to Question (c)(4) is "Yes," state:
	Name and location of the court where the appeal was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
	issue:

ROUNI	D THREE Authentication of Documents
	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(a)	
	(A) The trial counsel was ineffective because he failed to
	request the authentication of the agreement
٠	used at trial by the government against the defendant; and
	(B) The trial counsel was ineffective because he failed to insist*
	on the authentication and certification of the translation
<u> </u>	of the post-arrest statement made by defendant to SA Boyd
	on Sept. 2, 2010. See Memorandum.
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(b) Direct Appeal of Ground Three:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No 🗵
	(2) If you did not raise this issue in your direct appeal, explain why:
	ineffective assistance of counsel claims are not ripe for direct
	appeal and are only appealable thru a \$2255 motion
(c) Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	Result (attach a copy of the court of passes)
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No No
	and the section of application?
	CONTROL CONTRO
	Yes \square No \square (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □

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 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes □ No ☒ (2) If you did not raise this issue in your direct appeal, explain why: ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a § 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? 	_	
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 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes □ No ☒ (2) If you did not raise this issue in your direct appeal, explain why: ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a § 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? 		
 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes □ No ☒ (2) If you did not raise this issue in your direct appeal, explain why: ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a § 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? 	_	
 (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No (2) If you did not raise this issue in your direct appeal, explain why: ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a § 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? 		
Yes \(\) No \(\) (2) If you did not raise this issue in your direct appeal, explain why: ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a \(\) 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application?	. (b) Direct Appeal of Ground Four:
Yes \(\) No \(\) (2) If you did not raise this issue in your direct appeal, explain why: ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a \(\) 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application?		(1) If you appealed from the judgment of conviction, did you raise this issue?
ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a § 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application?		<u></u>
ineffective assistance of counsel claims are not ripe for direct appeal and are only appealable thru a § 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application?		(2) If you did not raise this issue in your direct appeal, explain why:
appeal and are only appealable thru a § 2255 motion (c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application?		ineffective assistance of counsel claims are not ripe for direct
(c) Post-Conviction Proceedings:(1) Did you raise this issue in any post-conviction motion, petition, or application?		appeal and are only appealable thru a \$ 2255 motion
(1) Did you raise this issue in any post-conviction motion, petition, or application?		
	((1) Did you raise this issue in any post-conviction motion, petition, or application?
		Yes \(\Bar{\sqrt{No}} \Bar{\sqrt{No}} \Bar{\sqrt{No}}

(2) If you answer to Question (c)(1) is "Yes," state:
Type of motion or petition:
Name and location of the court where the motion or petition was filed:
Docket or case number (if you know):
Date of the court's decision:
Result (attach a copy of the court's opinion or order, if available):
(3) Did you receive a hearing on your motion, petition, or application?
Yes □ No □
(4) Did you appeal from the denial of your motion, petition, or application?
Yes No
(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
Yes □ No □
(6) If your answer to Question (c)(4) is "Yes," state:
Name and location of the court where the appeal was filed:
Docket or case number (if you know):
Date of the court's decision:
Result (attach a copy of the court's opinion or order, if available):
(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
issue:

S AO 243 (Re	v. 12/04)
GROUNI	FIVE Custody Issue and Two-Step Miranda Rights
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
a salah di s Salah di salah di sa	The trial counsel was ineffective because he failed to properly
· · · · · · · ·	and reasonably demonstrate that the defendant was in custody
<u> </u>	during the hearing to suppress evidence and, in addition, failed
	to argue properly that the agents used two-step miranda rights
· .	against the defendant on Sept. 2, 2010. See Memorandum.
	against the defendant on Sept. 2, 2010. See nemozensem

(b)	Direct Appeal of Ground Five:
•	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No 🗷
	(2) If you did not raise this issue in your direct appeal, explain why:
	ineffective assistance of counsel claims are not ripe for direct
	appeal and are only appealable thru a § 2255 motion
(c)	Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No
	(4) Did you appeal from the denial of your motion, petition, or application?
9 19	Yes No \(\square\)
	The second section is the second in the second in
-	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appear:

No □

Yes 🗆

(o) II your	answer to Question (c)(4) is	ies, state.			
Name and lo	ocation of the court where the	appeal was filed:			
Section of an experience of the section of the sect	en antigar en la proposició de la companya de la c La companya de la co	See the second s			
Docket or c	ase number (if you know):	ng transport of the second of			
Date of the	court's decision:				
Result (attac	ch a copy of the court's opinion	n or order, if availab	le):		
					•
(7) If your	r answer to Question (c)(4) or (Question (c)(5) is "N	o," explain why y	ou did not appe	al or raise
issue:					
				·	
			·		
	<u> </u>				

Entrapment	by	Estoppe1
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10000		ting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
	The	trial counsel was ineffective in that he failed to request,
_		thereafter demand, the court allow the defense of
	entr	apment by estoppel prior to the end of the trial.
	See	Memorandum.
	·	
	(b) Direct	Appeal of Ground Six:
	(1) If	you appealed from the judgment of conviction, did you raise this issue?
		Yes □ No 🗷
	(2) If	you did not raise this issue in your direct appeal, explain why:
	inef	fective assistance of counsel claims are not ripe for direct
		al and are only appealable thru a §2255 motion
	(c) Post-C	Conviction Proceedings:
	(1) E	id you raise this issue in any post-conviction motion, petition, or application?
		Yes □ No □
	(2) I	f you answer to Question (c)(1) is "Yes," state:
	Туре	of motion or petition:
	Name	and location of the court where the motion or petition was filed:
<u>-</u>	· · · · · · · · · · · · · · · · · · ·	
	Docke	t or case number (if you know):
	Date o	of the court's decision:
	Resul	(attach a copy of the court's opinion or order, if available):
	(3) I	oid you receive a hearing on your motion, petition, or application?
		Yes □ No □
	(4) I	Did you appeal from the denial of your motion, petition, or application?
	(4) I	oid you appeal from the denial of your motion, petition, or application? Yes □ No □
		the control of the co

	A CONTRACT OF THE STATE OF THE	ter Gest Gestelle Eller et de la region de la region de la companyation de la region de la region de la region La region de la reg	
Docket or case number (if you know):	r de la proposición de la respectación de la respectación de la respectación de la respectación de la respect La respectación de la respectación	en og engler er om engleg er en eg om en	
Date of the court's decision:			·.
Result (attach a copy of the court's opi	nion or order, if available):		
(7) If your answer to Question (c)(4)	or Question (c)(5) is "No," exp	plain why you did not appea	al or raise
issue:	•		
	:	·	
		•	

D		14:	
Prosect	utorial	MISC	onauci

		<u> </u>
1.2.	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):	
	(A) The trial counsel failed to, and was ineffective, because	
	he did not raise objections during the course of the proceed	ing
	in neither his opening statements nor closing arguments as	
	to defendant's concerns about both prosecutors' misconduct;	and
	(B) The trial counsel was ineffective because he made a glaring	
	error in the eyes of the defendant during his closing argume	nts
	to which he committed misconduct against the defendant, his	
	client. See Memorandum.	
		· .
	(b) Direct Appeal of Ground Seven:	
	(1) If you appealed from the judgment of conviction, did you raise this issue?	
	Yes □ No 🗷	
	(2) If you did not raise this issue in your direct appeal, explain why:	
	ineffective assistance of counsel claims are not ripe for direct	
	appeal and are only appealable thru a §2255 motion	
	(c) Post-Conviction Proceedings:	
	(1) Did you raise this issue in any post-conviction motion, petition, or application?	
	Yes □ No □	
	(2) If you answer to Question (c)(1) is "Yes," state:	
•	Type of motion or petition:	
	Name and location of the court where the motion or petition was filed:	
	Docket or case number (if you know):	
	Date of the court's decision:	
	Result (attach a copy of the court's opinion or order, if available):	
	(3) Did you receive a hearing on your motion, petition, or application?	
	Yes □ No □	
	(4) Did you appeal from the denial of your motion, petition, or application?	
	Yes □ No □	
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	
	Yes □ No □	

(о) п	your answer to Question (c)(4) is "Yes," state:
Name	and location of the court where the appeal was filed:
t to the arrant	
Docket	or case number (if you know):
Date of	f the court's decision:
Result	(attach a copy of the court's opinion or order, if available):
(7) If	your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
issue:	

Vo	Ť 7°	Di	re

4 - 2	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):	
	(A) The trial counsel was ineffective because he failed to make	,
	proper objections in the voir dire proceeding when the district	· .
	court chose alternate jurors and he did not object to an agreed	
	upon method to be used in a peremptory challenge before the	
	start of the proceeding;	
	(B) The trial counsel failed to excuse for cause six prospective	
	jurors: numbers 9, 24, 26, 27, 34 and 41; and	
	(C) The trial counsel failed to make a proper or reasonable objection	n
•	to the testimony of SA Jacob Stringfellow because he did not	
	appear on the case record of the list of government witnesses	
	during the course of the proceeding of voir dire. See Memorandu	ım.
	(b) Direct Appeal of Ground Eight:	
	(1) If you appealed from the judgment of conviction, did you raise this issue?	
	Yes ■ No □	
	(2) If you did not raise this issue in your direct appeal, explain why:	
	(c) Post-Conviction Proceedings:	
	(1) Did you raise this issue in any post-conviction motion, petition, or application?	
	Yes ☑ No □	
	(2) If you answer to Question (c)(1) is "Yes," state:	
	Type of motion or petition: Direct Appeal	
	Name and location of the court where the motion or petition was filed: 9th Cir. Court of App	<u>ea</u> l
	James R Browning U.S. Courthouse, 95 Seventh St., San Francisco, C	.A_
	Docket or case number (if you know): 13-00059	 .
	Date of the court's decision: Nov. 03, 2014	
	Result (attach a copy of the court's opinion or order, if available): sentence affirmed	
	(3) Did you receive a hearing on your motion, petition, or application?	
	Yes □ No 🗵	
	(4) Did you appeal from the denial of your motion, petition, or application?	
	Yes □ No 🗵	
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	
	Yes □ No □	

•	your answer to Question (c)(4) is Tes, state.
Name a	and location of the court where the appeal was filed:
e e stre e estados.	
Docket	or case number (if you know):
Date of	f the court's decision:
Result	(attach a copy of the court's opinion or order, if available):
(7) If	your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
issue:	
· ·	

Defendant Sentencing

112	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
	(A) The trial counsel was ineffective because he failed to correctly
	and properly review the conversion of methamphetamine to marijuana
	as well as cocaine to marijuana including the failure to calculate
	the weights of the controlled substances;
	(B) The trial counsel was ineffective because he failed to properly
	demonstrate effectively that the government did not show any
	connection of the firearm with the offense of drugs or that the
	defendant possessed the guns in connection with the offense; and
	(C) The trial counsel was ineffective in that he failed to
	reasonably demonstrate that the defendant did not commit obstruction
	of justice in the case as the government contends. See Memorandum.
	(b) Direct Appeal of Ground Nine:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No 🗷
	(2) If you did not raise this issue in your direct appeal, explain why:
	ineffective assistance of counsel claims are not ripe for direct
	appeal and are only apealable thru a §2255 motion
	(c) Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes □ No □
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes □ No □
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □

(o) If your allswer to Question (c)	(4) 15 1 CS, State.	
Name and location of the court whe	ere the appeal was filed:	
Docket or case number (if you know	#	na ang ang ang ang ang ang ang ang ang a
Date of the court's decision:		·.
Result (attach a copy of the court's	opinion or order, if available):	
(7) If your answer to Question (c)	(4) or Question (c)(5) is "No," explain	why you did not appeal or raise
issue:	·	
		·
	·	

Appellate Counsel - Brady Material Violation

(a	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
· · <u>- · ·</u>	The appellate counsel was ineffective because he failed to raise
	the issue of Brady Material Violation of the discovery material
	evidence favorable to the defendant in trial before the suppression
	of evidence because the government never disclosed the informant
	agreement in the case. See Memorandum.
_	
(b) Direct Appeal of Ground Ten:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No 🗷
	(2) If you did not raise this issue in your direct appeal, explain why:
	ineffective assistance of counsel claims are not ripe for direct
,	appeal and are only appealable thru a \$2255 motion
(c	Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes No O vertice (a)(1) is "Yes" states
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Dealer was a supplied (if you know)
	Docket or case number (if you know): Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	Result (attach a copy of the court's opinion of order, if available).
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes No
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes No

(b) If your answer to Question (c)(4)		
Name and location of the court where	the appeal was filed:	
	e de la companya de la francia de la companya de l La companya de la co	s valente a la companie de la compa La companie de la co
Docket or case number (if you know):		
Date of the court's decision:		•
Result (attach a copy of the court's op	inion or order, if available):	
(7) If your answer to Question (c)(4)	or Question (c)(5) is "No," expla	in why you did not appeal or raise
issue:		
The state of the s	<u> </u>	

GRO	UND	ELEV	YEN Appellate Counsel - Informant Agreement	
Tarker	(a)	* * * * * * * * * * * * * * * * * * * *	ting facts (Do not argue or cite law. Just state the specific facts that support your claim.): 11ate counsel was ineffective because he failed to raise the	
			e of the certification and authentification of the agreement	_
			he informant of the defendant that was made with the FBI	
		but v	was never given a copy, never saw the agreement and was not	
		- 1	y aware of what the rules were. See Memorandum.	
	(b)	Direct	Appeal of Ground Eleven:	
		(1) If	you appealed from the judgment of conviction, did you raise this issue?	
			Yes □ No 🗷	
		(2) If	you did not raise this issue in your direct appeal, explain why:	
		ineff	fective assistance of counsel claims are not ripe for direct	
		1	al and are only appealable thru a §2255 motion	
	(c)	1	Conviction Proceedings:	
•		(1) D	id you raise this issue in any post-conviction motion, petition, or application?	
			Yes □ No □	
		(2) If	you answer to Question (c)(1) is "Yes," state:	
		Type o	of motion or petition:	
		Name	and location of the court where the motion or petition was filed:	
		Docket	t or case number (if you know):	
		Date of	f the court's decision:	
		Result	(attach a copy of the court's opinion or order, if available):	
		(3) D	old you receive a hearing on your motion, petition, or application?	
			Yes □ No □	
		(4) D	old you appeal from the denial of your motion, petition, or application?	
			Yes □ No □	
		(5) If	f your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	
			Yes 🗍 No 🗇	

(0) If your answer to Question (c)(4) is ites, state.	
Name and location of the court where the appeal was filed:	
Docket or case number (if you know):	
Date of the court's decision:	·.
Result (attach a copy of the court's opinion or order, if available):	
(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why y	ou did not appeal or raise
issue:	

GROU	IND T	WELVE Appellate Counsel - Miranda Rights & Transcript
······································	(a) Sun	porting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
a tema i	(u) Dup Th	e Appellate Counsel was ineffective because he failed to
-		oroughly review the transcript of the trial and as a result, he
-		iled to demonstrate that the defendant was in custody when the
•		ents confronted the defendant in Borst Park on Sept. 2, 2010.
•	Co	unsel also dualy failed to properly argue and demonstrate that
•		e agents used two-step Miranda Right. See Memorandum.
•		
. •		
•		
•	(b) Dir	ect Appeal of Ground Twelve:
		If you appealed from the judgment of conviction, did you raise this issue?
	(1)	Yes □ No 🗵
	(2)	If you did not raise this issue in your direct appeal, explain why:
		effective assistance of counsel claims are not ripe for direct
		peal and are only appealable thru a §2255 motion
		t-Conviction Proceedings:
		Did you raise this issue in any post-conviction motion, petition, or application?
	(1)	Yes No
	(2)	If you answer to Question (c)(1) is "Yes," state:
		be of motion or petition:
		ne and location of the court where the motion or petition was filed:
		The drift foodered of the court made are made and made are a second of the court made are a s
	Do	cket or case number (if you know):
		te of the court's decision:
		sult (attach a copy of the court's opinion or order, if available):
	7(0)	(action a sopy of this source spanners)
	(3)	Did you receive a hearing on your motion, petition, or application?
	(5)	Yes No
	(4)	and the state of the state of an application?
	(-7)	Yes \(\Bar{\cappa } \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
	(5)	and the company of the company of the company
	. (5)	Yes \(\sigma \text{No} \sigma \text{No} \sigma \text{Yes}

Docket or case nu	mber (if you know):	er i de la companya d	to the grade sector			rainan kanalangan Kanalan kanalan	
Date of the court's	s decision:					·	•
Result (attach a co	opy of the court's opin	ion or or	der, if availa	ble):			
·						· · · · · · · · · · · · · · · · · · ·	
			·				
(7) If your answe	er to Question (c)(4) o	or Questic	on (c)(5) is "]	No," explain	why you did	l not appeal	or raise
					·		
issue:							
issue:							
issue:							
issue:							

ROUNI	THIRTEEN Appellate Counsel - Prosecutorial Misconduct
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
	The Appellate Counsel was ineffective because he failed to
• • •	demonstrate or raise the issue of prosecutorial misconduct in
 	his opening statement and closing argument in trial for both
	government prosecutors. See Memorandum.
	government processes.
	
. —	
(b)	Direct Appeal of Ground Thirteen:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
•	Yes \(\) No \(\)
	(2) If you did not raise this issue in your direct appeal, explain why:
	ineffective assistance of counsel claims are not ripe for direct
(c)	appeal and are only appealable thru a §2255 motion Post-Conviction Proceedings:
(0,	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes No
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	the sting?
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes □ No □
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □

(о) п	your answer to Question (C)(4) is 1 es, state.
Name	and location of the court where the appeal was filed:
e e of from of year for the contract	
Docke	t or case number (if you know):
Date o	f the court's decision:
Result	(attach a copy of the court's opinion or order, if available):
(7) If	your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
issue:	

зко	JUND FOURTEEN Appellate Counsel - Voir Dire
	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
	(A) The Appellate Counsel was ineffective because he failed to conduct
	a careful and thorough review of the transcript of the voir dire
	proceeding and failed to demonstrate that the district court did
	not provide proper notice of the method employed for use in the
	selection of alternate jurors as well as the method used in a
	peremptory challenge;
	(B) Appellate Counsel was ineffective because he failed to raise an
	issue with four prospective jurors for good cause; and
	(C) The Appellate Counsel failed to raise the issue of one of the
	government's witness - same as Ground Eight. See Memorandum.
	governmente s' wreness same as or a second
	(b) Direct Appeal of Ground Fourteen:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes 🗷 No . 1
	(2) If you did not raise this issue in your direct appeal, explain why:
	(c) Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes ⊠ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition: Direct Appeal
	Name and location of the court where the motion or petition was filed: 9th Circuit Court of Ap
	eals, James R Browning U.S. Courthouse, 95 Seventh St. S.F, Calif.
	Docket or case number (if you know): 13-00059
	Date of the court's decision: Nov. 03, 2014
	Result (attach a copy of the court's opinion or order, if available):
	Result (attach a copy of the court b opinion of
-	
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No 🗷
	tite and a second
•	(4) Did you appeal from the denial of your motion, petition, or application? Yes □ No ⊠
	2 (24) 197 2 1 days raise the iggue in the appeal?
	Yes □ No □

(0) 11	your answer to Question (C)(4) is Tes, state.
Name a	and location of the court where the appeal was filed:
e de la disensió descri	
Docket	or case number (if you know):
Date of	the court's decision:
Result	(attach a copy of the court's opinion or order, if available):
(7) If	your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
issue:	

•		
⊗ AO 243 (Rev	v. 12/04)	Page 31
GROUND	FIFTEEN Appellate Counsel - Entrapment by Estoppel	
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your	claim.):
· · · · · · · · · · · · · · · · · · ·	The Appellate Counsel was ineffective because he failed	to
	raise the issue of entrapment by estoppel and to review	
	issue on the direct appeal. See Memorandum.	
,		
•		
		:
		
(b)	Direct Appeal of Ground Fifteen:	
	(1) If you appealed from the judgment of conviction, did you raise this issue?	
	Yes □ No 🗷	
	(2) If you did not raise this issue in your direct appeal, explain why:	
	ineffective assistance of counsel claims are not ripe f	or direct
	appeal and are only appealable thru a §2255 motion	
(c)	Post-Conviction Proceedings:	
	(1) Did you raise this issue in any post-conviction motion, petition, or application?	•
	Yes □ No □	·
	(2) If you answer to Question (c)(1) is "Yes," state:	
	Type of motion or petition:	
	Name and location of the court where the motion or petition was filed:	
	Docket or case number (if you know):	
	Date of the court's decision:	
	Result (attach a copy of the court's opinion or order, if available):	
	(3) Did you receive a hearing on your motion, petition, or application?	
	Yes \(\Bar{\sqrt{1}}\) No \(\Bar{\sqrt{2}}\)	
	(4) Did you appeal from the denial of your motion, petition, or application?	
.	Yes □ No □	
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	•
	Yes \(\square\) No \(\square\)	

GROUND	SIXTEEN Appellate Counsel - Defendant Sentencing
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
) The Appellate Counsel was ineffective because he failed to review
	and investigate the conversion of methamphetamine to marijuana as
	well as cocaine to marijuana including the failure to calculate
	the weights of the controlled substances;
(B) The Appellate Counsel was ineffective because he failed to properly
	demonstrate effectively that the government did not show any
	reasonable connection of the firearm with the offense of drugs or
	that the defendant possessed the guns in connection with the offense
(C	The Appellate Counsel was ineffective in that he failed to
	reasonably demonstrate that the defendant did not committ obstruc-
	tion of justice in the case as the government contends. See Memo.
(b)	Direct Appeal of Ground Sixteen:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No 🔀
	(2) If you did not raise this issue in your direct appeal, explain why:
	ineffective assistance of counsel claims are not ripe for direct
•	appeal and are only appealable thru a §2255 motion
	Post-Conviction Proceedings:
,	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No 🗷
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
•	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
•	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No No
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes □ No □
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □

Docket	or case number (if you know):
il t	the court's decision:
∦	
100011	attach a copy of the court's opinion or order, if available):
(7) If	your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or rais
issue.	
-	
Is there or	
ro mere ar	ny ground in this motion that you have <u>not previously presented in some federal court?</u> If so, whice grounds have not been presented, and state your reasons for not presenting them:
ground or	grounds have not been presented, and state your reasons for not presenting them.
ground or	

14.	Do you have any motion, petition, or appeal <u>now pending</u> (filed and not decided yet) in any court for the you are challenging? Yes \(\Bar{\sqrt{N}} \) No \(\Bar{\sqrt{N}} \)										
	If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the										
	issues raised.										
15.	Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:										
	(a) At the preliminary hearing: Colin Fieman, Federal Public Defenders Office										
	1331 Broadway, Suite 400, Tacoma, WA 98402										
	(b) At the arraignment and plea: AS ABOVE										
	(c) At the trial: Robert Leen, 3221 Oakes Avenue, Everett, WA 98201										
	(d) At sentencing: AS ABOVE										
	(e) On appeal: Brooks Holland, 721 N Cincinnati St., Spokane, WA 99202										
	(f) In any post-conviction proceeding:										
	(g) On appeal from any ruling against you in a post-conviction proceeding:										
16.	Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No □										
17.	Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes □ No ☒										
	(a) If so, give name and location of court that imposed the other sentence you will serve in the future:										
	(b) Give the date the other sentence was imposed:										
	(c) Give the length of the other sentence:										
	(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes \(\subseteq \text{No} \subseteq \)										

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A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

(1) the date on which the judgment of conviction became final;

(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;

(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

^{*} The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

Therefore, movant asks that the Court grant the following relief: hearing to expand the record and resolve or any other relief to which movant may be entitled.	Signature of Attorney (if any)
	Signature of Attorney (if any)
or any other relief to which movant may be entitled.	
	the foregoing is true and correct and that this Motion
	the foregoing is true and correct and that this Motion
	the foregoing is true and correct and that this Motion
I declare (or certify, verify, or state) under penalty of perjury that	
under 28 U.S.C. § 2255 was placed in the prison mailing system of	(month, date, year)
	(month, date, year)
Executed (signed) on 27-6Ctuber 2015	_(date
	Douge
	Signature of Movant
If the person signing is not movant, state relationship to movant a	and explain why movant is not signing this motion.
IN FORMA PAUPERIS I	DECLARATION
II (I Oldin I I Not Dido I	
[Insert appropria	te court]